

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:23-CV-00030-KDB-SCR**

ALISON SCHULTZ,

Plaintiff,

v.

**PLANET AUTOMOTIVE GROUP
HICKORY, LLC;
PLANET AUTOMOTIVE
GROUP, LLC; AND
HELM TECHNOLOGIES, LLC,
D/B/A CHATTERSPOT,**

Defendants.

ORDER

THIS MATTER is before the Court on the Parties' Proposed Amended Scheduling Order (Doc. No. 33). The case began in March 2023 and an Amended Complaint was filed in June 2023. On July 5, 2023, the Court entered a Pretrial Order and Case Management Plan based, in significant part on the parties' proposed schedule. *See* Doc. Nos. 21, 22. That Order made clear the Court's intent to move the case forward on the ordered schedule:

It is the Court's intent that the agreed schedule set by this Order will provide sufficient time for the parties to pursue this action with reasonable diligence. Accordingly, the parties should expect that requests for extensions of time that are likely to lengthen the course of this action will be denied in the absence of unusual and substantial good cause.

Doc. No. 22 at 2.

In late September 2023, the parties moved for an extension of the October 15, 2023 deadline to file a class certification motion, which was partially denied, with the Court permitting a shorter extension until November 15, 2023. Then, instead of filing a class certification motion,

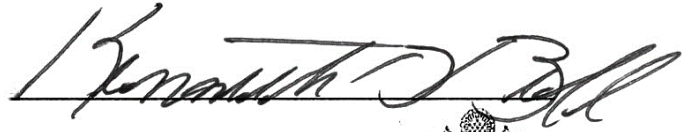
Plaintiff filed a motion seeking leave to file a Second Amended Complaint on November 13, 2023. Doc. No. 26. The motion was granted and a Second Amended Complaint filed on November 17, 2023. However, in granting the motion, the Court ordered the parties to submit a proposed revised scheduling order and specifically cautioned the parties that the Court would “review proposed deadlines closely in light of the age of the case....”

On December 14, 2023 the parties filed their new proposed schedule in the form of the pending motion. The parties propose months-long extensions for each of the given deadlines, including the filing of a class certification motion which has already been moved twice. However, no unusual or compelling cause has been presented for the requested delays. As forecasted, the Court is unwilling to grant in full the extensions sought in light of the age of the case and the manifest lack of diligence of the parties in moving the case forward. Accordingly, the Court amends the governing scheduling order as follows:

Event	Date
Rule 26 Disclosures	January 25, 2024
Filing of a Class Certification Motion (with briefing to proceed on the normal schedule for motions – 14 days for a response, 7 days for a reply)	January 31, 2024
Mediation Report	April 1, 2024
Plaintiff's Expert Reports	May 1, 2024
Defendants' Expert Reports	May 22, 2024
Completion of Discovery	June 15, 2024
Filing of Dispositive Motions	July 1, 2024
Trial Term	November 18, 2024

SO ORDERED.

Signed: December 20, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

